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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,934	12/09/2003	Masaru Hasegawa	12844.0057US01	6656
23552	7590	03/18/2005	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			SAWHNEY, HARGOBIND S	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/731,934	<b>Applicant(s)</b> HASEGAWA ET AL.	
	<b>Examiner</b> Hargobind S. Sawhney	<b>Art Unit</b> 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/9/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Oel et al. (US Patent No.: 5,327,330) in view of Fukui (Japanese Patent No: JP 6-50113), hereinafter referred as Fukui.

Van Oel et al. ('330) discloses an automotive headlamp 100 (Figure 1, column 3, line 6) comprising:

- a lamp housing 102,104 – the combination including elements 102 and 104, hereinafter referred as the lamp housing 102 - provided on the vehicle (Figure 1, column 3, lines 6-8);
- a lens 104F provide on the housing 102 (Figure 1, column 3, lines 46-48);
- the lens flange portion – the lens portion substantially aligned with the housing portion 104I– formed on the lens 104F (Figure 1);
- a leg portion – the projection shaped like “F” – formed on the lens flange portion (Figure 1);

- a surface of the lens 104F positioned in an opening in an accommodation space - defined by the vehicle body element 134 - (Figure 1, column 4, lines 1-4);
- the lens flange portion – the lens portion substantially aligned with the housing portion 104I– extending from the circumference edge of the lens 104F toward the lamp housing 102 (Figure 1);
- the leg portion of the lens flange extending and bypassing the surface of the end portion of the lens flange portion (Figure 1); and
- the leg portion — the projection shaped like “F” – fitting in the element 104I of the lamp housing 102 (Figure 1).

Van Oel et al. ('330) discloses an automotive headlamp comprising a lens including its end portion fitted in the lamp body element. However, Van Oel et al. ('330) does specifically teach the sealing means including surface roughening or painting applied to the end surface of the lens flange portion.

On the other hand, Fukui – detailed in the instant application as the background of the invention - discloses an automotive headlamp 100 (Figure 1) comprising a lens 105 including a flange portion 111 with a paint membrane 111a formed on the surface having irregularities (instant application, Figure 6, page 1, line 25, and page 2, lines 1-5).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the headlamp of Van Oel et al. ('330) by providing surface

roughening and painting as taught by Fukui for benefit and advantage long lasting roughened and painted surface for sealing the lens and the lamp body joint.

Regarding claims 2 and 3, Van Oel et al. ('330) in view of Fukui discloses the vehicular headlamp further comprising:

- the lens flange portion – the lens portion substantially aligned with the housing portion 104I–having its outer and inner end portions substantially square corner (Van Oel, Figure 1).

### ***Conclusion***

3. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yamaguchi (U.S. Patent No. 6,595,672 B1), Fujinami et al. (U.S. Patent No. 6,543,920 B2), Nishiyama et al. (U.S. Patent No. 6,520,659 B2), Nestell et al. (U.S. Patent No. 6,454,449 B2), Chouji et al. (U.S. Patent No. 6,161,953), Yoneyama et al. (U.S. Patent No. 6,161,951), Dobler et al. (U.S. Patent No. 5,975,729), Wisler et al. (U.S. Patent No. 5,497,299), Negengast et al. (U.S. Patent No. 5,251,111) and Haydu (U.S. Patent No. 5,113,320)

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S Sawhney whose telephone number is 571 272 2380. The examiner can normally be reached on 6:15 - 2:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571 272 2378. The fax phone number

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for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HSS

3/14/2005



Sandra O'Shea  
Supervisory Patent Examiner  
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